

This Document can be made available in alternative formats upon request

State of Minnesota

Printed Page No. 513

HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE No. 3634

March 11, 2010

Authored by Jackson and Kath

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight

March 15, 2010

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Public Safety Policy and Oversight

March 18, 2010

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to health occupations; requiring license revocation and license denial
1.3 for any health-related licensed professional convicted of a felony-level criminal
1.4 sexual conduct offense; amending Minnesota Statutes 2008, sections 214.10, by
1.5 adding a subdivision; 364.09.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2008, section 214.10, is amended by adding a
1.8 subdivision to read:

1.9 Subd. 1a. Conviction of a felony-level criminal sexual conduct offense. (a)

1.10 A health-related licensing board listed in section 214.01, subdivision 2, shall not grant
1.11 a credential to any person who has been convicted of a felony-level criminal sexual
1.12 conduct offense.

1.13 (b) A license to practice is automatically revoked if the licensee is convicted of a
1.14 felony-level criminal sexual conduct offense.

1.15 (c) A license that has been denied or revoked under this subdivision is not subject
1.16 to chapter 364.

1.17 (d) For purposes of this subdivision, "conviction" means a plea of guilty, a verdict of
1.18 guilty by a jury, or a finding of guilty by the court, and "criminal sexual conduct offense"
1.19 means a violation of sections 609.342 to 609.345 or a similar statute in another jurisdiction.

1.20 Sec. 2. Minnesota Statutes 2008, section 364.09, is amended to read:

1.21 364.09 EXCEPTIONS.

1.22 (a) This chapter does not apply to the licensing process for peace officers; to law
1.23 enforcement agencies as defined in section 626.84, subdivision 1, paragraph (f); to fire

2.1 protection agencies; to eligibility for a private detective or protective agent license; to the
2.2 licensing and background study process under chapters 245A and 245C; to eligibility
2.3 for school bus driver endorsements; to eligibility for special transportation service
2.4 endorsements; to eligibility for a commercial driver training instructor license, which is
2.5 governed by section 171.35 and rules adopted under that section; to emergency medical
2.6 services personnel, or to the licensing by political subdivisions of taxicab drivers, if the
2.7 applicant for the license has been discharged from sentence for a conviction within the ten
2.8 years immediately preceding application of a violation of any of the following:

2.9 (1) sections 609.185 to 609.21, 609.221 to 609.223, 609.342 to 609.3451, or 617.23,
2.10 subdivision 2 or 3;

2.11 (2) any provision of chapter 152 that is punishable by a maximum sentence of
2.12 15 years or more; or

2.13 (3) a violation of chapter 169 or 169A involving driving under the influence, leaving
2.14 the scene of an accident, or reckless or careless driving.

2.15 This chapter also shall not apply to eligibility for juvenile corrections employment, where
2.16 the offense involved child physical or sexual abuse or criminal sexual conduct.

2.17 (b) This chapter does not apply to a school district or to eligibility for a license
2.18 issued or renewed by the Board of Teaching or the commissioner of education.

2.19 (c) Nothing in this section precludes the Minnesota Police and Peace Officers
2.20 Training Board or the state fire marshal from recommending policies set forth in this
2.21 chapter to the attorney general for adoption in the attorney general's discretion to apply to
2.22 law enforcement or fire protection agencies.

2.23 (d) This chapter does not apply to a license to practice medicine credential that has
2.24 been denied or revoked by ~~the Board of Medical Practice pursuant to section 147.091,~~
2.25 ~~subdivision 1a~~ any of the health-related licensing boards listed in section 214.01,
2.26 subdivision 2.